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H.R.1815

Consumer Product Safety Solutions Act of 2009 (Introduced in House)
HR 1815 IH

111th CONGRESS
1st Session
H. R. 1815

To clarify the applicability of certain provisions in the Consumer Product Safety Improvement Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 31, 2009

Mr. BARTON of Texas (for himself, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. SESSIONS, Mr. WHITFIELD, Mrs. MYRICK, Mr. BLUNT, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. SULLIVAN, Mr. BARTLETT, Mr. PUTNAM, Mr. TERRY, Mr. STEARNS, Mr. PITTS, and Mr. THORNBERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To clarify the applicability of certain provisions in the Consumer Product Safety Improvement Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Consumer Product Safety Solutions Act of 2009'.

SEC. 2. PROSPECTIVE APPLICATION OF LEAD LIMITS AND THIRD PARTY TESTING REQUIREMENTS.

(a) Lead Content- Section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) is amended--

- (1) by redesignating subsection (b) through (g) as subsections (c) through (h), respectively;
- (2) by inserting after subsection (a) the following new subsection:

`(b) Application-

`(1) 600 PARTS PER MILLION- Subsection (a)(2)(A) shall apply beginning February 10, 2009, only to any children's product that is manufactured after such date, and after February 9, 2010,

to any children's product regardless of the date of manufacture.

`(2) 300 PARTS PER MILLION- Subsection (a)(2)(B) shall apply beginning 2 years after the date of enactment of this Act only to any children's product that is manufactured after such date, and beginning 3 years after the date of enactment of this Act, to any children's product regardless of the date of manufacture.';

(3) in subsection (e)(2), by striking `subsection (b)' and inserting `subsection (c)'; and

(4) in subsection (g), by striking `or (b)' and inserting `or (c)'.

(b) Effective Date- The amendments made by subsections (a) shall be treated as having taken effect on August 15, 2008.

SEC. 3. PROSPECTIVE APPLICATION OF PHTHALATES PROHIBITION.

(a) Application of Phthalates Prohibition- Section 108 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1257c) is amended--

(1) by redesignated subsections (c) through (e) as subsection (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

`(c) Application- Subsections (a) and (b)(1) and any rule promulgated under subsection (b)(3) shall apply beginning February 10, 2009, only to any children's product that is manufactured after such date, and after February 9, 2010, to any children's product regardless of the date of manufacture.'.

(b) Effective Date- The amendments made by subsections (a) shall be treated as having taken effect on August 15, 2008.

SEC. 4. CLARIFICATION OF TESTING METHODOLOGIES.

(a) Rulemaking- Not later than 180 days after the date of enactment of this Act, the Consumer Product Safety Commission shall promulgate a rule setting forth the testing methodology or methodologies which the Commission determines shall be used for purposes of determining compliance with sections 101(a) and 108 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a); 2057c).

(b) Effective Date for Conformity Certification- Section 14(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1)) is amended by striking `Except as provided' and inserting `Beginning 90 days after the issuance of a rule required by section 4(a) of the Consumer Product Safety Solutions Act of 2009 except as provided'.

(c) Temporary Rule of Compliance- Beginning February 10, 2009, and continuing until a rule is promulgated under subsection (a), any children's product that is tested for conformity with the requirements of section 101(a) and section 108 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a); 2057c) and certified pursuant to section 14(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1)) shall be considered to be in compliance with such section if such children's product was tested in good faith and in accordance with a reasonable testing methodology and the product was certified based on the results of such testing.

SEC. 5. EXCLUSION OF CERTAIN MATERIALS FROM LEAD CONTENT LIMIT.

Section 101(c)(1) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(c)(1)) (as redesignated by section 1) is amended--

(1) in the matter preceding subparagraph (A), by striking `material will neither--' and inserting `material--'

(2) in subparagraph (A)--

(A) by striking `result in the absorption of any lead into the human body' and inserting `will not result in the absorption of lead into the human body in excess of the amounts set forth under subsection (a)(2)';

(B) by inserting `of the age for which the product is intended' after `child'; and

(C) by striking `nor' and inserting `or'; and

(3) in subparagraph (B), by striking `have any other' and inserting `will not have any'.

SEC. 6. WAIVER OF THIRD PARTY TESTING REQUIREMENT FOR CERTAIN COMPONENT PARTS.

Section 14(g) of the Consumer Product Safety Act (15 U.S.C. 2063(g)) is amended by adding at the end the following:

`(5) SPECIAL RULE FOR LEAD CONTENT AND PHTHALATE CONTENT TESTING AND CERTIFICATION- Subsection (a) shall not require the manufacturer or private labeler of a children's product to test such product for, or certify it with respect to, lead content or phthalate content, as applicable, if--

`(A) each component of the product that is required to be tested for compliance with sections 101(a) and 108 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a); 2057c) has been tested for lead content or phthalate content, as applicable, by the manufacturer or private labeler of the component; and

`(B) the manufacturer or private labeler of each such component certifies that the component does not contain more lead than the limit established by subsection (a)(2) and (f) of section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a)(2) and (f)) or the applicable phthalate limit in effect under section 108 of such Act, as applicable.'.

SEC. 7. EXEMPTIONS FROM TRACKING LABEL REQUIREMENTS.

Section 14(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(5)) is amended--

(1) by striking `Effective' and inserting `(A) IN GENERAL--Effective';

(2) by adding at the end the following new subparagraph:

`(B) COMMISSION EXEMPTIVE AUTHORITY- The Commission may, by rule, exempt or modify any of the requirements of this section for any product or product category, if the Commission determines such requirement to be unduly burdensome or cost prohibitive in relationship to the potential risk presented by such product or product category, or not practical due to the intended use of such product or product category.'.

SEC. 8. GENERAL APPLICATION AND EXEMPTIVE AUTHORITY.

Section 3 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 2051 note) is amended--

(1) by striking `The' and inserting `(a) In General- The'; and

(2) by adding at the end the following:

`(b) Authority To Extend or Delay Effective Dates- The Commission may extend the application of the effective date of any provision of this Act or the amendments made by this Act with respect to any particular manufacturer, distributor, or retailer or class of manufacturers, distributors, or retailers if the Commission determines that a delay would better promote public safety and that a later effective date is in the public interest and publishes the reason for such a determination.

`(c) Exemptive Authority- The Commission may exempt a particular manufacturer, distributor, or retailer or class of manufacturers, distributors, or retailers from any provision of this Act or the amendments made by this Act if the Commission determines that a delay would better promote public safety and that such exemption is in the public interest and publishes the reason for such determination.'

SEC. 9. COMPLIANCE GUIDANCE FOR SMALL BUSINESSES.

(a) In General- Not later than 180 days after the date of enactment of this Act, the Consumer Product Safety Commission shall develop and make available on the Commission's Internet website a compliance guide to assist small businesses in complying with the requirements of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Acts enforced by the Commission.

(b) Contents- The guide--

(1) shall be designed to assist small businesses to determine--

(A) whether the Consumer Product Safety Act (or any other Act enforced by the Commission) applies to their business activities;

(B) whether they are considered distributors, manufacturers, private labelers, or retailers under such Act or Acts; and

(C) which rules, standards, regulations, or statutory requirements apply to their business activities;

(2) shall provide guidance on how to comply with any such applicable rule, standard, regulation, or requirement, including--

(A) what actions they should take to ensure that they meet the requirements; and

(B) how to determine whether they have met the requirements; and

(3) may contain such additional information as the Commission considers appropriate, including telephone, e-mail, and Internet contacts for compliance support and information.

